

Gone Without A Trace: A Re-examination of
Bank Secrecy Laws and Anti-Money
Laundering Laws in Light of the 2016
Bangladesh Bank Heist

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The Bangladesh Bank Heist that transpired last February 2016 exposed gaps and vulnerabilities in the global financial system. The Philippines is under heightened scrutiny following the heist that exposed the weaknesses in the country's legal and regulatory systems given that much of the laundered funds ended up in the country's casinos. The investigation and the attempt to recover the laundered funds by Philippine authorities were unfortunately met with much frustration. Major roadblocks encountered were due to two sets of laws — the bank secrecy laws and anti-money laundering laws.

This Article examines the salient features of both sets of laws that became at the forefront of investigatory and prosecutorial efforts following the heist. Possible measures within the legal framework existing at the time of the heist are analyzed. Upon a showing that these measures are inadequate, the Article considers the various rationales and limitations of the aforesaid laws. The tension between both sets of laws is also scrutinized. Given these considerations, the Article analyzes the laws, as amended, and proposes measures moving forward.